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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,310	12/16/2004	Ernst Horvath	2002P09312WOUS	6665
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER MATTIS, JASON E	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,310

Applicant(s)

HORVATH ET AL.

Examiner

JASON E. MATTIS

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22, 24-32, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22, 24-32, 35, and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed 5/16/08. Due to the amendments, the previous rejection under 35 U.S.C. 101 has been withdrawn. Claims 23, 33, and 34 have been cancelled. New claims 35 and 36 have been added. Claims 18-22, 24-32, 35, and 36 are currently pending in the application.
2. The indicated allowability of the subject matter of previous claims 20, 21, and 23 is withdrawn in view of the newly discovered reference(s) to Minami et al. (U.S. Pat. 7379475 B2). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 18, 19-22, 24, 25, 27, 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. in view of Minami et al. (U.S. Pat. 7379475 B2).

With respect to claim 18, Ress et al. discloses a method for controlling a connection in a packet communication network (**See the abstract, column 14 lines 54-**

64, and Figure 14 of Ress et al. for reference to an H.323 agent 1402, which is a signaling control device, operating a method for controlling a bi-directional media stream, which is a connection, in a packet communication network). Ress et al. also discloses prompting a first of a plurality of end points connected via a data channel to close the data channel by transmitting a first signaling message by the signaling control device **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to the H.323 agent 1402 prompting an H.323 endpoint 1200, which is a first of a plurality of endpoints 1200 and 1400 connected via the data channel, to close the data channel by transmitting an H.254 TCS=0 message, which is a known message used to prompt the termination of a connection, as show in line 3 of Figure 14).** Ress et al. further discloses transmitting a confirmation request message to a second of the end points by the signaling control device with the confirmation request message prompting the second endpoint to transmit a confirmation message to the signaling control device after the successful closure of the data channel **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message, which is a message that requests an acknowledgement after a successful closure of a data channel, to the endpoint 1200, which is a second endpoint that is the same as the first endpoint as in the embodiment of claim 22, and for reference to the endpoint 1200 sending an H.245 close logical channel acknowledgment message in response to the received message after the successful closure of the channel).** Ress et al. also discloses the signaling control

device prompting an end point to open at least one new user data channel by transmitting a second signaling message in consequence of receiving the confirmation message **(See column 15 lines 31-54 and Figure 15 of Ress et al. for reference to the H.323 agent 1402 prompting the endpoint 1200 to open a new user data channel by transmitting a TCS message, as shown in line 5 of Figure 15, after the previous channel had been closed by the procedure of Figure 14).** Ress et al. does not specifically disclose analyzing signaling traffic transmitted in the context of the connection to identify a successful closure of the data channel if the confirmation message does not reach the signaling control device within a predefined time interval.

With respect to claim 18, Minami et al., in the field of communications, discloses analyzing signaling traffic transmitted in the context of a connection to identify a successful closure of a data channel in the absence of receiving a connection closure confirmation **(See column 12 lines 19-36 of Minami et al. for reference to determining the closing of a connection by snooping TCP header flags, which comprise signaling traffic, transmitted in the context of the connection, when no explicit connection closure confirmation message is received).** Analyzing signaling traffic to identify a successful closure of a data channel has the advantage of allowing a device to identify a channel closure without having to explicitly receive a message indicating the closure.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Minami et al., to combine analyzing signaling traffic to identify a successful closure of a data channel, as suggested by

Minami et al., with the system and method of Ress et al., with the motivation being to allow a device to identify a channel closure without having to explicitly receive a message indicating the closure.

With respect to claim 19, Ress et al. discloses the transmission of the confirmation request message being effected in the context of the user data closure channel closure prompted by the first message resulting in the second end point confirming the data channel closure **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message to the endpoint 1200 in response to the sent TCS=0 message, meaning the H.245 close logical channel message is effected in the context of the TCS=0 message resulting in endpoint 1200 sending the H.245 close logical channel acknowledgement to confirm the data channel closure).**

With respect to claim 20, Although Ress et al. does not specifically disclose transmitting a confirmation request message effective to a connection set-up such that an end point is prompted to transmit a confirmation message to a signaling control device after successful closure of a user data channel for the duration of the connection, expecting a connection closure confirmation for the duration of a connection in response to opening a connection is old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Ress et al., combine having devices transmit a confirmation message, as described under the normal message sequence disclosed by Ress et al.

(See Figure 14 of Ress et al.), for the duration of a connection, as is well known in the art, with the system and method of Ress et al. and Minami et al.

With respect to claim 21, Although Ress et al. does not specifically disclose transmitting a confirmation request message effective to a registration such that an end point is prompted to transmit a confirmation message to a signaling control device after successful closure of a user data channel for the duration of the registration, expecting a connection closure confirmation for any connection closure during the duration of a registration is old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Ress et al., combine having devices transmit a confirmation message, as described under the normal message sequence disclosed by Ress et al. **(See Figure 14 of Ress et al.),** for the duration of a registration, as is old well known in the art, with the system and method of Ress et al. and Minami et al.

With respect to claim 22, Ress et al. discloses the first communication end point being identical to the second communication end point **(See column 14 line 54 to column 14 line 18 and Figure 14 of Ress et al. for reference to the endpoint 1200 being both the first and second claimed endpoint).**

With respect to claim 24, Ress et al. discloses the confirmation request being a generic message extended to include a specific confirmation request information element **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using a generic H.245 close logical channel message extended to indicated that an acknowledgement of the channel closure had been requested).**

With respect to claim 25, Ress et al. discloses the confirmation message being an a generic message extended to include a specific confirmation information element (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using a generic H.245 close logical channel acknowledgment message extended to indicated that an acknowledgement of the channel closure).

With respect to claim 27, Ress et al. discloses the network being set up according to the ITU-T recommendation H.323 (See column 2 line 57 to column 3 line 10 of Ress et al. for reference to the network using H.323).

With respect to claim 28, Ress et al. discloses using an H.245 terminal capability set message with an empty capability set as the first signaling message (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using an H.254 TCS=0 message, which is a terminal capability set message with an empty capability set, as show in line 3 of Figure 14).

With respect to claim 30, Ress et al. discloses the network being set up according to the IETF standard SIP (See column 2 line 57 to column 3 line 10 of Ress et al. for reference to the network using SIP).

With respect to claim 31, Ress et al. discloses that the confirmation request specifies whether or not the closure should be confirmed (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to an H.245 close logical channel acknowledgment being expected after any time an H.245 close logical channel message is sent meaning the H.245 close logical channel

message is an indication that an acknowledgment of channel closure has been requested).

With respect to claim 32, Ress et al. discloses the confirmation message specifying whether the closed channel was a transmission or a receiving channel **(See column 14 line 65 to column 15 line 28 of Ress et al. for reference to the close logical channel and close logical channel acknowledgment messages specifying a transmission or receiver channel by specifying if they are for corresponding logical channel 1 or logical channel 2).**

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. in view of Minami et al. and in further view of Lee et al. (U.S. Pat. 7031279 B2).

With respect to claim 26, the combination of Ress et al. and Minami et al. does not specifically disclose transmitting a channel closure message via a signaling control device from the first end point to another end point.

With respect to claim 26, Lee et al., in the field of communications, discloses transmitting a channel closure message from one end point to another end point via a signaling control device **(See column 10 line 52 to column 11 line 21 and Figure 6A of Lee et al. for reference to sending MT2, which is an endpoint, sending a message S134, which indicates a channel closure, via a gatekeeper, which is a singling control device, to MT1, which is another endpoint).** Transmitting a channel closure message from one end point to another end point via a signaling control device

has the advantage of allowing one end point to notifying another end point of a channel closure so the channel may be closed by both end points on both ends of the connection.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Lee et al., to combine transmitting a channel closure message from one end point to another end point via a signaling control device, as suggested by Lee et al. with the system and method of Ress et al. and Minami et al., with the motivation being to allow one end point to notifying another end point of a channel closure so the channel may be closed by both end points on both ends of the connection.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. in view of Minami et al. and in further view of Thornton et al. (U.S. Pat. 6363065 B1).

With respect to claim 29, the combination of Ress et al. and Minami et al. does not specifically disclose the confirmation request message and the confirmation message being configured as RAS messages according to H.225.0.

With respect to claim 29, Thornton et al., in the field of communications, discloses a confirmation request message and a confirmation message being configured as RAS messages according to H.225.0 (**See column 59 lines 36-60 and Figure 23 of Thornton et al. for reference to using a DRQ message, which is an RAS channel closure confirmation request message according to H.225.0, and a DCF messages, which is an RAS confirmation message according to H.225.0**). Using a confirmation request message and a confirmation message being configured as

RAS messages according to H.225.0 has the advantage of using messages already defined within the protocol standards such that the request and confirmation are backwards compatible.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Thornton et al., to combine using a confirmation request message and a confirmation message being configured as RAS messages according to H.225.0, as suggested by Thornton et al. with the system and method of Ress et al. and Minami et al., with the motivation being to of use messages already defined within the protocol standards such that the request and confirmation are backwards compatible.

7. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al.

With respect to claim 35, Ress et al. discloses a method for controlling a connection in a packet communication network **(See the abstract, column 14 lines 54-64, and Figure 14 of Ress et al. for reference to an H.323 agent 1402, which is a signaling control device, operating a method for controlling a bi-directional media stream, which is a connection, in a packet communication network)**. Ress et al. also discloses prompting a first of a plurality of end points connected via a data channel to close the data channel by transmitting a first signaling message by the signaling control device **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to the H.323 agent 1402 prompting an H.323 endpoint 1200, which**

is a first of a plurality of endpoints 1200 and 1400 connected via the data channel, to close the data channel by transmitting an H.254 TCS=0 message, which is a known message used to prompt the termination of a connection, as show in line 3 of Figure 14). Ress et al. further discloses transmitting a confirmation request message to a second of the end points by the signaling control device with the confirmation request message prompting the second endpoint to transmit a confirmation message to the signaling control device after the successful closure of the data channel **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message, which is a message that requests an acknowledgement after a successful closure of a data channel, to the endpoint 1200, which is a second endpoint that is the same as the first endpoint as in the embodiment of claim 22, and for reference to the endpoint 1200 sending an H.245 close logical channel acknowledgment message in response to the received message after the successful closure of the channel).** Ress et al. also discloses the signaling control device prompting an end point to open at least one new user data channel by transmitting a second signaling message in consequence of receiving the confirmation message **(See column 15 lines 31-54 and Figure 15 of Ress et al. for reference to the H.323 agent 1402 prompting the endpoint 1200 to open a new user data channel by transmitting a TCS message, as shown in line 5 of Figure 15, after the previous channel had been closed by the procedure of Figure 14).** Although Ress et al. does not specifically disclose transmitting a confirmation request message

effective to a connection set-up such that an end point is prompted to transmit a confirmation message to a signaling control device after successful closure of a user data channel for the duration of the connection, expecting a connection closure confirmation for the duration of a connection in response to opening a connection is old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Ress et al., combine having devices transmit a confirmation message, as described under the normal message sequence disclosed by Ress et al. **(See Figure 14 of Ress et al.)**, for the duration of a connection, as is well known in the art, with the system and method of Ress et al. and Minami et al.

With respect to claim 36, Ress et al. discloses a method for controlling a connection in a packet communication network **(See the abstract, column 14 lines 54-64, and Figure 14 of Ress et al. for reference to an H.323 agent 1402, which is a signaling control device, operating a method for controlling a bi-directional media stream, which is a connection, in a packet communication network)**. Ress et al. also discloses prompting a first of a plurality of end points connected via a data channel to close the data channel by transmitting a first signaling message by the signaling control device **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to the H.323 agent 1402 prompting an H.323 endpoint 1200, which is a first of a plurality of endpoints 1200 and 1400 connected via the data channel, to close the data channel by transmitting an H.254 TCS=0 message, which is a known message used to prompt the termination of a connection, as show in line 3**

of Figure 14). Ress et al. further discloses transmitting a confirmation request message to a second of the end points by the signaling control device with the confirmation request message prompting the second endpoint to transmit a confirmation message to the signaling control device after the successful closure of the data channel **(See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message, which is a message that requests an acknowledgement after a successful closure of a data channel, to the endpoint 1200, which is a second endpoint that is the same as the first endpoint as in the embodiment of claim 22, and for reference to the endpoint 1200 sending an H.245 close logical channel acknowledgment message in response to the received message after the successful closure of the channel).** Ress et al. also discloses the signaling control device prompting an end point to open at least one new user data channel by transmitting a second signaling message in consequence of receiving the confirmation message **(See column 15 lines 31-54 and Figure 15 of Ress et al. for reference to the H.323 agent 1402 prompting the endpoint 1200 to open a new user data channel by transmitting a TCS message, as shown in line 5 of Figure 15, after the previous channel had been closed by the procedure of Figure 14).** Although Ress et al. does not specifically disclose transmitting a confirmation request message effective to a registration such that an end point is prompted to transmit a confirmation message to a signaling control device after successful closure of a user data channel for the duration of the registration, expecting a connection closure confirmation for any

connection closure during the duration of a registration is old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Ress et al., combine having devices transmit a confirmation message, as described under the normal message sequence disclosed by Ress et al. (**See Figure 14 of Ress et al.**), for the duration of a registration, as is old well known in the art, with the system and method of Ress et al. and Minami et al.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason E Mattis
Examiner
Art Unit 2616

JEM

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